

My name is Rael LaPenta. I represent an organization of mothers, who believe in protecting the rights and well-being of children, MACA- Mothers Against Child Abuse. We stand up against child abuse across our nation.

I need to share our concerns regarding SB28, Child Custody – Legal Decision Making and Parenting Time. On behalf of MACA, we can support this bill if a few critical changes are made to the current language. We believe the intent of this legislation is wonderful, but practically there are many concerns:

(2) TO PROVIDE CHILDREN WITH PHYSICAL AND EMOTIONAL SECURITY AND PROTECTION FROM EXPOSURE TO CONFLICT AND VIOLENCE; AND

3) TO PROVIDE FOR AN EXPEDITIOUS, THOUGHTFUL, AND CONSISTENT PROCESS FOR DECISION MAKING BY COURTS TO PROTECT THE BEST INTEREST OF CHILDREN.

-What is the intent of this itek? How will this be measured or decided? When the law is unclear, it leaves it up to interpretation which is obviously problematic.

(I) PLACE THE CHILD'S NEEDS ABOVE THE PARENTS' NEEDS;

-again how can this possibly be objectively and uniformly enforced?

(II) PROTECT THE CHILD FROM THE NEGATIVE EFFECTS OF ANY CONFLICT BETWEEN THE PARENTS; AND

-as this should be every parents intent, there are many uncontrollable situations depending on the environment or a situation like domestic violence

(III) MAINTAIN THE CHILD'S RELATIONSHIP WITH THE PARENTS, SIBLINGS, OTHER RELATIVES, OR OTHER INDIVIDUALS WHO HAVE OR LIKELY MAY

HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD;

-this again leaves much room for interpretation and foreseeing the future

(14) THE PARENTS' RELATIONSHIP WITH EACH OTHER, INCLUDING: (I) HOW THEY COMMUNICATE WITH EACH OTHER;

-this is a significant problem, in the very real situation of domestic violence

(15) THE CHILD'S PREFERENCE, IF AGE-APPROPRIATE; AND

-this factor can not have a positive outcome for a child. Children may choose the more wealthy or lenient parent. They may choose a similar personality or be influenced to make a choice. Children's brains are not developed enough and their emotions are not capable of handling this type of decision.

(10) ANY MILITARY DEPLOYMENT OF A PARENT AND ITS EFFECT, IF ANY, ON THE PARENT-CHILD RELATIONSHIP;

-what could be the effect??? If someone is sending our county, they could be negatively viewed and judged in custody??

(II) WHETHER THEY CAN CO-PARENT WITHOUT DISRUPTING THE CHILD'S SOCIAL AND SCHOOL LIFE; AND

-this can be 1 sided and VERY hard to decipher and monitor

(III) HOW THE PARENTS WILL RESOLVE ANY DISPUTES IN THE
FUTURE WITHOUT THE NEED FOR COURT INTERVENTION

-This seems to be an impossible factor to measure as we can not predict the future

This Legislation seems to have a great intent. But in actual life, it seems very difficult to interpret as well as enforce.